

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE

at CLATAMOGGA

SKF USA INC.,

Plaintiff,

v.

CRESWELL RICHARDSON,

Defendant.

FILED  
2011 FEB -4 P 2:50

U.S. DISTRICT COURT  
EASTERN DIST. TENN.

CIVIL ACTION NO. 1:09-CV-299

BY \_\_\_\_\_ ) DEPT. CLERK  
)  
)  
)

---

CONSENT JUDGMENT AND PERMANENT INJUNCTION

---

The Court, having been advised that the Parties to this action have resolved the issues presented by a Stipulation of Settlement of Dispute (the "Stipulation"), which has been executed by the Parties, and which terms and conditions are incorporated herein by reference as if set forth at length, enters this Consent Judgment and Permanent Injunction pursuant to the Parties' request and for good cause shown. Therefore, it is hereby ORDERED, ADJUDGED and DECREED, pursuant to Rules 54, 58 and 65 of the Federal Rules of Civil Procedure that the Plaintiff shall have a final and enforceable judgment pursuant to which the Plaintiff is GRANTED a permanent injunction and other relief on the following terms:

1. Judgment is entered in favor of Plaintiff SKF USA Inc. ("SKF") and against Creswell Richardson ("Defendant" or "Creswell") consistent with the terms of the Stipulation.

2. It is hereby ORDERED that the Defendant and the Defendant's officers, directors, employees, agents, servants, representatives and those persons who are in active concert or participation with the Defendant who receive actual notice of the Permanent Injunction shall be and hereby are permanently restrained and enjoined from:

a. manufacturing, importing, distributing, shipping, advertising, promoting, or selling and/or offering for sale any bearings or related parts and materials that are counterfeit or use any marks or names that simulate or infringe upon Plaintiff's SKF® Trademarks or any other counterfeits, copies or confusingly similar marks thereof ("Unauthorized Products");

b. engaging in any conduct that tends falsely to represent that, or is likely to confuse, mislead or deceive purchasers, Defendant's customers and/or members of the public to believe, the actions of Defendant, the Unauthorized Products sold by Defendant, or Defendant itself is connected with SKF, is sponsored, approved or licensed by SKF, or is affiliated with SKF; and

c. affixing, applying, annexing or using in connection with the importation, manufacture, distribution, advertising, sale and/or offer for sale or other use of any goods or services, a false description or representation, including words or other symbols, tending to falsely describe or represent such Unauthorized Products as being those of SKF.

3. It is further ORDERED that the Permanent Injunction described in Paragraph 2 has been issued pursuant to the Parties' request pursuant to the terms of the Stipulation. Nothing contained herein shall prevent Defendant from selling SKF products as set forth in paragraph 6 of the Stipulation.

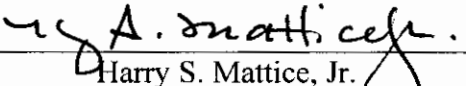
4. It is ORDERED that Defendant deliver to SKF USA Inc., c/o Timothy D. Gifford, Esquire, General Counsel & Secretary at 890 Forty Foot Road, P.O. Box 352, Lansdale, PA 19446, for destruction all Unauthorized Products, including bearings and related products in Defendant's possession, custody or control bearing any of the Trademarks or any simulation, reproduction, counterfeit, copy or colorable imitations thereof.

5. It further finally ORDERED, ADJUDGED and DECREED, that should the Defendant default on any of its obligations set forth in the Stipulation, the Plaintiff shall have the right to immediately enter the Stipulation of Judgment attached to the Stipulation as Exhibit C which shall be immediately enforceable by Plaintiff as a judgment pursuant to Rule 54 of the Federal Rules of Civil Procedure.

6. This matter shall be and hereby is DISMISSED. However, the Court shall retain the right to reopen this action for purposes of entering an order to enforce the terms of this Consent Judgment and Permanent Injunction, the Stipulation and the Stipulation of Judgment.

It is so ORDERED.

Enter.

  
\_\_\_\_\_  
Harry S. Mattice, Jr.  
United States District Court Judge

**AGREED AND APPROVED FOR ENTRY:**

**MILLER & MARTIN PLLC**

By: /s/ Donald J. Aho  
Donald J. Aho, Esq., TN BPR No. 011975  
Lynda M. Hill, Esq., TN BPR No. 019427  
832 Georgia Avenue  
1000 Volunteer Building  
Chattanooga, Tennessee 37402  
Telephone (423) 756-6600  
Facsimile (423) 785-8480  
*Attorneys for Plaintiff*

**PATRICK, BEARD, SCHULMAN &  
JACOWAY**

By: /s/ Gary R. Patrick  
Gary R. Patrick, Esq., TN BPR No. 01941  
McKinley S. Lundy, Esq., TN BPR No. 027391  
537 Market Street, Suite 202  
Chattanooga, Tennessee 37402  
Telephone (423) 756-7117  
Facsimile (423) 267-5032  
*Attorneys for Defendant*